PETITION FOR CIVIL CONTEMPT FOR CUSTODY & ORDER

A copy of your current Custody Order MUST be attached to your Petition.

COMPLETE STEP-BY-STEP INSTRUCTIONS ARE ON PAGE 2.

BEFORE YOU TAKE THESE PAPERS TO COURT, YOU MUST GIVE THE OTHER PARTY AT LEAST 3 BUSINESS DAYS' NOTICE

The purpose is to let them know the date you are going to go to Court. They have a right to be there.

1. Give or mail (both regular and certified) them, or their lawyer, the "Notice of Intention to Present" which tells them what day and time you will be going to Court. You do not need an appointment. If both parties attend when you present the papers, you will get a quicker hearing date.

On the Notice of Intention to Present form, if you give/mail the other party the papers on a

- 1. Monday or Friday, you would write the date for the following Thursday
- 2. Tuesday or Wednesday, you would write the date for the following Monday
- 3. Thursday, you would write the date for the following Tuesday
- 2. You must also give/mail the other party COPIES of all the forms below (after you fill them in) that have an *. Keep the originals of all forms to take to Court.

You MUST complete ALL of the forms in this packet, which include:

- 1. *Notice of intention to Present see above information for details.
- 2. *Petition for Civil Contempt cover sheet this must include the case number and the party names as they were on the original Custody Order (i.e. the plaintiff is always the plaintiff and defendant is always the defendant, regardless of who is filling out the Petition)
- 3. *Petition
- 4. *Verification
- 5. *Criminal Records / Abuse Verification 2 copies: you fill in 1 form & give the blank copy to the other party. Defendant must file it within 30 days
- 6. Order ONLY complete the top section of this form, the Judge will complete the rest
- 7. **Proof of Service & Acceptance of Service –** do nothing with these until Step 8
- 8. Notice to incarcerated parent If the other parent is presently incarcerated, ask library staff for this form and include it with the complaint.

<u>AFTER</u> giving 3 business days' notice, take the forms to Custody Motions Court in Courtroom #4, Monday, Tuesday and Thursday, excluding Court holidays. Be there no later than 8:45 a.m. *You must also give the Judge a copy of your current Custody Order.* AT THIS TIME THERE WILL BE A \$25 FILING FEE. Cash or checks. No credit cards.

If you are not 18 years old you must have your custodial parent(s) or Guardian file for you.

REMEMBER -THERE IS A DRESS CODE IN THE COURTROOM, ALL CELL PHONES MUST BE COMPLETELY OFF & YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.

Court of Common Pleas of Beaver County Child Custody Filing Procedures

Please note that the law librarian, staff of the Beaver County Law Library, staff of the Juvenile Services Division, staff of the Court Administrator's Office and the Judge's Law Clerk are neither qualified nor permitted to assist persons in the preparation or filing of child custody documents or to provide legal advice or assistance of any kind on child custody or any other legal matters.

LITIGANTS ARE STRONGLY ENCOURAGED TO CONSULT WITH AN ATTORNEY.

SUMMARY OF STEPS

Before you go to Court:

- 1. Complete the forms in INK, not pencil. Incomplete forms may be refused.
- 2. Photocopy all of the forms (except the Proof of Service and Acceptance of Service) and send or give them to the other party along with the Notice of Intention to Present at least THREE DAYS BEFORE you present the Petition to the Judge. The date you write on this form is the day you plan to deliver the documents to Court. It must be at least 3 business days away and must be a Monday, Tuesday, or Thursday. If both parties attend when you present the Petition, you will get a quicker hearing date.
- 3. YOUR FORMS MUST BE IN NUMERICAL ORDER WHEN YOU GO TO COURT.

In Court:

- 4. Take <u>completed</u> forms to Motions Court, Courtroom #4, Second Floor of the Courthouse, <u>no later than 8:45 a.m.</u> any Monday, Tuesday and Thursday. Late motions will not be heard. Go into the Courtroom, have a seat and wait your turn.
- 5. The Judge will sign the petition and assign a hearing date, if needed. You will then receive a clocked copy of the Order and the original will be returned to you.
- 6. Get your paperwork from the Law Clerk.

After you leave Court:

- 7. FILE the papers in the Prothonotary's Office (1st floor). There will be a \$25 filing fee.
- **8. SERVE** the other party with the Order signed by the Judge. This means you give or mail the other party copies of all the papers that you gave to the judge and the signed order.
 - **a.** If you choose to hand deliver the documents, you must have the other Party sign an **Acceptance of Service** form. You MUST FILE the Acceptance of Service in the Prothonotary's office after it is signed.
 - b. If you serve the other party by mail you must send the documents by <u>both Regular mail</u> and <u>Certified mail</u>. Complete the Proof of Service form by making check marks on the line before both regular and certified mail. <u>Make a photocopy</u>. File it with the Prothonotary. After you receive the green card verifying certified mail, staple the green card to the Proof of Service and file it <u>again</u> with the Prothonotary. <u>MAKE AND KEEP A COPY FOR YOURSELF</u>.
- **9. FILE** either a Proof of Service or Acceptance of Service Form with the Prothonotary after service has been done.
- **10.** Bring a copy of the Proof of Service or Acceptance of Service that you filed in the Prothonotary's office to ALL later hearings, conferences and/or trials.

Note: When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

IMPORTANT INFORMATION

NOTICE: BEFORE you present your Custody petition, you MUST give THREE business days' Notice to the other party or parties. Giving Notice means that you send or give the other party the Notice of Intention to Present <u>and copies</u> of the documents you will be presenting to the judge. If the other party has a lawyer, you give the notice to the lawyer instead of the party. If both parties show up you will be assigned a quicker date.

If there is a PFA, you may send the legal paperwork but do NOT include any other letters, notes, etc. If it is a true emergency, you may have a family member or friend call or hand deliver copies of the notice. Only in extreme emergencies will the Judge accept oral notice.

When filling out the forms--parties must be identified as Plaintiff or Defendant as they are listed on the *original* custody Complaint, regardless of who is filing the Petition. The person filing the petition is the *Petitioner*; the other party is the *Respondent*.

**** Always keep a copy of the Proof of Service documents for your records and ALWAYS bring the Proof of Service forms to all Conciliation Conferences, Pre-Trial Conferences and/or Hearings/Trials in Court.

If you do not know where the other party lives, you must read PA Rules of Court # 430 & #1930.4 and Beaver County Local Rule # 430 and follow the required procedures. These are complicated procedures and it is in your best interest to make every effort to find the other party and deliver the paperwork whether in person or by mail.

Notice of Language Rights



Language Access Coordinator
Beaver County Courthouse, 810 Third Street, Beaver, PA, 15009
724-770-4770
languageaccess@beavercountypa.gov

English: You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

<u>Spanish/Español</u>: Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

ASL interpreters are also available upon request.

	:
Plaintiff,	:
VS.	: : No.
v 3.	:
	:
Defendant.	: :
NOTICE	OF INTENTION TO PRESENT
ТО:	
(name & address of the other party)	
(date) a	nd to present the attached Motion / Petitions of 8:45 a.m, Courtroom No. 4, Beaver County Courthouse requested relief or action, you should appear at that time and
Date	Petitioner
<u>CER</u>	ΓΙΓΙCATION OF SERVICE
	be served a true and correct copy of the attached on the above days prior to the date of presenting the Motion by way o
~~ ~ /	regular mail
	certified mail hand delivery
	Petitioner

CIVIL DIVISION

		: No
	Plaintiff,	: Civil Action – Law
VS.		: Type of Pleading:: Petition for Civil Contempt:
	Defendant.	: Filed on behalf of:
		(Your Name)
		Filing Party's Information:(Your Name)
		Name:
		Address:
		Telephone #

		:	
	Plaintiff,	· :	
		: : No	
VS.		: :	
		:	:
	Defendant.	÷	
]	PETITION FOR FOR DISOBEDIENC	R CIVIL CONTEMI CE OF CUSTODY (
The Petition of (name)			respectfully represents:
1. That on		Judge	entered a
	vsical custody) (primalised physical custody (NAME OF C	ary physical custody) of the minor child (HILD(REN)	apply) (shared legal custody) (sole y) (shared physical custody) (sole (ren):
2. Respondent has willfull	y failed to abide by the	he order because:	
3. Petitioner has attached to Pa.R.C.P. No. 1915.3-2.	the Criminal Record/	Abuse History Veri	fication form required pursuant to
WHEREFORE, Petitione	r requests that Respon	ndent be held in con	ntempt of court.
	————(Peti	tioner)	

I AM OVER THE AGE OF 18. Yes / No (CIRCLE ONE)

VERIFICATION

I,, verify that the statements made in this Petition for Civil
Contempt are true and correct. I understand that false statements herein are made subject to the
penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which
provides that if I knowingly make false averments, I may be subject to criminal penalties.
Petitioner
D. (

	:
Plaintiff	•
VS.	No
Defendant	· –
NC	TICE AND ORDER TO APPEAR
Legal proceeding disobeyed an order of court for c	gs have been brought against you alleging you have willfully ustody.
	end against the claim set forth in the following pages, you may but with the court your defenses or objections.
Whether or not yo	ou file in writing with the court your defenses or objections, you
must appear in person at	
Beaver, PA 15009 on (date)	at (time) (date & time assigned by the court)
IF YOU DO N WARRANT FOR YOUR ARRE	OT APPEAR IN PERSON, THE COURT MAY ISSUE A
	at you have willfully failed to comply with its order, you may be found to itted to jail, fined or both or be subject to additional sanctions including , and/or costs.
HAVE A LAWYER OR CANNOT BELOW TO FIND OUT WHERE	AKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH YOU CAN GET LEGAL HELP. Lawyer Referral Service 788 Turnpike Street Beaver, PA 15009 (724) 728-4888 c://bcba-pa.org/lawyer-referral-service/
	BY THE COURT
	JUDGE

(signed by the Court)

Plaintiff,	· :	
VS.	: : No	
	:	
,	· :	
Defendant.	:	
	PROOF OF SERVICE	
Ι	(your name), hereby certify that I deli	ivered a copy of the
(name of document)		_to
	(name of party) on	(date)
at o'clock p.m./a.n	n. Delivery was made by (check all that apply):	
regular mail		
certified mail		
hand delivery		
DATE	PETITIONER	

Plaintiff,	, : :
vs.	: : No. :
Defendant.	, : :
	ACCEPTANCE OF SERVICE
I accept service of the am authorized to accept servi	(name of document). I certify that I ice on behalf of defendant.
DATE	DEFENDANT OR AUTHORIZED AGENT
	MAILING ADDRESS

Note: If defendant accepts service personally, the second sentence should be deleted.

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA CIVIL ACTION-LAW

VS	Plaintiff	:	No.	
	,	:	1,0,	
	Defendant.	:		

CRIMINAL RECORD / ABUSE HISTORY VERIFICATION

	I,	, hereby swear or affirm, subject to penalties of law including 18 P	a.
C.S.	. §4904 relating to unsw	orn falsification to authorities that:	

1. Unless indicated by my checking the box next to a crime below, neither I nor any other member of my household have been convicted or pled guilty or pled no contest or was adjudicated delinquent where the record is publicly available pursuant to the Juvenile Act, 42 Pa.C.S. §6307 to any of the following crimes in Pennsylvania or a substantially equivalent crime in any other jurisdiction, including pending charges:

	Check all that Apply	Crime	Self	Other Household Member	Date of Conviction, Guilty Plea, No Contest Plea or Pending Charges	Sentence
1		Criminal Homicide (18 Pa. C.S. Ch. 25)				
2		Aggravated Assault (18 Pa.C.S. §2702);				
3		Terroristic Threats (18 Pa.C.S. §2706);				
4		Stalking (18 Pa.C.S. §2709.1);				
5		Kidnapping (18 Pa.C.S. §2901);				
6		Unlawful Restraint (18 Pa.C.S. §2902);				
7		False Imprisonment (18 Pa.C.S. §2903);				
8		Luring a Child into a Motor Vehicle or Structure (18 Pa.C.S. §2910);				
9		Rape (18 Pa.C.S. §3121);				

	Check all that Apply	Crime	Self	Other Household Member	Date of Conviction, Guilty Plea, No Contest Plea or Pending Charges	Sentence
10		Statutory Sexual Assault (18 Pa.C.S. §3122.1);			0	
11		Involuntary Deviate Sexual Intercourse (18 Pa.C.S. §3123);				
12		Sexual Assault (18 Pa.C.S. §3124.1);				
13		Aggravated Indecent Assault (18 Pa.C.S. §3125);				
14		Indecent Assault (18 Pa.C.S. §3126);				
15		Indecent Exposure (18 Pa.C.S. §3127);				
16		Sexual Intercourse with Animal (18 Pa.C.S. §3129);				
17		Conduct Relating to Sex Offenders (18 Pa.C.S. §3130);				
18		Arson and Related Offenses (18 Pa.C.S. §3301);				
19		Incest (18 Pa.C.S. §4302);				
20		Concealing Death of Child (18 Pa.C.S. §4303);				
21		Endangering Welfare of Children (18 Pa.C.S. §4304);				
22		Dealing in Infant Children (18 Pa.C.S. §4305);				
23		Prostitution and Related Offenses (18 Pa.C.S. §5902(b));				
24		Obscene and Other Sexual Materials and Performances (18 Pa.C.S. §5903(c) or (d));				
25		Corruption of Minors (18 Pa.C.S. §6301);				
26		Sexual Abuse of Children (18 Pa.C.S. §6312);				
27		Unlawful Contact with Minor (18 Pa.C.S. §6318);				
28		Sexual Exploitation of Children (18 Pa.C.S. §6320);				
29		Contempt for Violation of Protection Order or Agreement (23 Pa.C.S. §6114);				

	Check all that Apply	Crime	Self	Other Household Member	Date of Conviction, Guilty Plea, No Contest Plea or Pending Charges	Sentence
30		Driving Under the Influence of Drugs or Alcohol				
31		Manufacture, Sale, Delivery, Holding, Offering for Sale, or Possession of any Controlled Substance or Other Drug or Device				
	•	2. Unless indicated by my checking the box next usehold have a history of violent or abusive conducting the following:			-	
	Check all that Apply			Self	Other Household Member	Date
32		An indication or finding of abuse by a Children a Agency or similar agency in Pennsylvania or sim statute in another jurisdiction		n 		
33		Abusive conduct as defined under the Protection Abuse Act in Pennsylvania or similar statute in a jurisdiction				
34		Involvement with a Children & Youth Agency of agency in Pennsylvania or another jurisdiction. Where?:	r simila	r		
35		Other:				
	3. Pleabuse:	ase list any evaluation, counseling or other treatme	ent rece	ived following	g conviction or findin	g of

4. If any conviction above applies to a household member, not	a party, state that person's name, date of birth			
and relationship to the child.				
5. If you are aware that the other party or members of the other	r party's household has or have a			
criminal/abuse history, please explain:				
I verify that the information above is true and correct	to the best of my knowledge, information or			
belief. I understand that false statements herein are made subject	ct to the penalties of 18 Pa.C.S. §4904 relating			
to unsworn falsification to authorities.				
	Signature			
	Printed Name			

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA CIVIL ACTION-LAW

VS	Plaintiff	: :	No.	
, ,	,	:	1,0,	_
	Defendant.	•		

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	3. Pleabuse:	ase list any evaluation, counseling or other treatme	ent rece	ived following	conviction or finding	g of

4. If any conviction above applies to a household member, not a	party, state that person's name, date of birth			
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5. If you are aware that the other party or members of the other p	party's household has or have a			
criminal/abuse history, please explain:				
I verify that the information above is true and correct to	o the best of my knowledge, information or			
belief. I understand that false statements herein are made subject	to the penalties of 18 Pa.C.S. §4904 relating			
to unsworn falsification to authorities.				
	Signature			
	Printed Name			

CERTIFICATE OF COMPLIANCE

RE: ACCESS TO COURT CASE RECORDS

CASE NO.

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:
Signature:
Name:

Attorney No. (if applicable):_____

Rev. 02/22/18